

AMENDING SECTION 610 OF THE CIVIL AERONAUTICS ACT
OF 1938 TO PROHIBIT THE SERVING OF ALCOHOLIC BEV-
ERAGES TO AIRLINE PASSENGERS WHILE IN FLIGHT

JUNE 20, 1956.—Referred to the House Calendar and ordered to be printed

Mr. WILLIAMS of Mississippi, from the Committee on Interstate and
Foreign Commerce, submitted the following

R E P O R T

[To accompany H. R. 8000]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 8000) to amend section 610 of the Civil Aeronautics Act of 1938 to prohibit the serving of alcoholic beverages to airline passengers while in flight, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

On line 8, after the word "flight" insert the words "between points".

PURPOSE OF LEGISLATION

The purpose of this bill is to prohibit the selling or serving of alcoholic beverages by domestic air carriers to passengers while in flight between points within the limits of the 48 States and the District of Columbia.

NEED FOR LEGISLATION

The committee urges favorable action on this legislation to eliminate a potential hazard in the operation of domestic air carrier aircraft.

Ways of meeting this potential hazard have been discussed at length in the industry but no solution has been reached. Despite the growing awareness that this is a problem, the number of flights on which alcoholic drinks are being served continues to increase and voluntary industry-sponsored control now seems unlikely. Thus, it would appear that legislation is necessary.

In that connection, it should be pointed out that only a few of the domestic airlines now serve alcoholic drinks to passengers. Without

command naturally would find it difficult to ask a passenger who has been drinking not to board a plane on which drinks are to be served.

Testimony was that since the airlines started serving drinks, the number of passengers bringing their own liquor aboard has increased sharply. Here, again, the problem of control has been complicated by the serving of liquor by the airlines. Enactment of H. R. 8000 will make it easier for the pilot in command to control the situation.

AGENCY REPORTS

Letters were received from the Civil Aeronautics Board, the Department of Commerce, and the Bureau of the Budget, as follows:

CIVIL AERONAUTICS BOARD,
Washington, D. C., March 16, 1956.

Hon. J. PERCY PRIEST,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.*

DEAR PERCY: This is in further reply to your letters of January 5, 1956, acknowledged January 9, 1956, and January 11, 1956, asking the Board for reports on H. R. 7922, a bill to prohibit the service of alcoholic beverages to passengers on aircraft in flight, and H. R. 8000, a bill to amend section 610 of the Civil Aeronautics Act of 1938 to prohibit the serving of alcoholic beverages to airline passengers while in flight.

The evident purpose of the bills is to prevent any danger from arising as a result of the consumption by passengers of alcoholic beverages. Motivated by the same reasoning and recognizing the possible safety implications of the service of intoxicants, the Board has, since the institution of the practice by domestic air carriers, taken special care to investigate all complaints which indicated an adverse effect on safety or service. Thus far the Board's vigilance has not revealed any factual information indicating that the serving of intoxicants has in any way jeopardized safety or rendered service to the public inadequate or otherwise shown that regulation is necessary and in the public interest.

The Board has on several occasions requested the Air Line Pilot's Association, the Air Transport Association, and others interested in air transportation to furnish information concerning any incidents which indicate that the service of liquor in flight adversely affects air safety. Of the incidents which have been brought to our attention, the difficulties experienced have usually been found to involve matters of personal inconvenience or abuse and not matters directly related to air safety. Of the very rare incidents reported in which safety might have been involved, intoxication appears to have been the result of alcoholic beverages imbibed or procured prior to flight.

Moreover, the Civil Aeronautics Administration in November 1955, in response to certain recently expressed public sentiment, conducted a comprehensive survey of its field personnel to determine whether the service of alcoholic beverages might constitute a danger to air safety. A review of the survey reports did not reveal any factual information or incidents which might have affected safety. Such few incidents as there were involved the disturbance of passengers by other passengers but did not bear on safety. Nor have these disturbances been sufficiently widespread in the Board's opinion to

constitute a violation of the carrier's duty to render adequate service as required by section 404 of the Civil Aeronautics Act.

It should also be noted that the airlines have in the past successfully dealt with many passenger service problems and so long as rigid control of this practice is maintained, no threat to adequate service or safety is foreseen. However, you may be assured that the Board will continue its vigilance in examining all complaints relative to this practice to ensure that air safety is not jeopardized and adequate service is not impaired.

We are enclosing a copy of a memorandum setting forth in more detail the Board's views on this subject.

Accordingly, the Board does not believe that legislation preventing the service of alcoholic beverages is required either in the interest of air safety or adequate service at this time.

The Bureau of the Budget has advised that there would be no objection to the submission of this report.

Sincerely yours,

ROSS FINLEY, *Chairman.*

Memorandum concerning serving of alcoholic beverages on air carrier airplane flights

The serving of alcoholic beverages aboard air carrier airplanes in flight is not specifically prohibited or restricted by Federal law, nor is any Federal license required to serve such beverages on board aircraft. This means, therefore, that so far as Federal law is concerned, no approval by the Civil Aeronautics Board or other Federal agency is necessary for the serving of these beverages in flight, and none, of course, has been given.

Notwithstanding the fact that there is no Federal restriction on the serving of liquor aboard aircraft on grounds of public morality, good taste, or religion, it is possible that if the privilege were abused, safety might be jeopardized or the carrier's air transportation service impaired from the economic point of view. Consequently the Board has been vigilant in examining all complaints of this nature to see to it that such results do not occur.

With respect to safety regulations, the Civil Aeronautics Board has prescribed under section 43.45 of part 43 of the Civil Air Regulations that:

"No person shall pilot an aircraft or serve as a member of the crew while under the influence of intoxicating liquor or use any drug which affects his faculties in any manner contrary to safety. A pilot shall not permit any person to be carried in the aircraft who is obviously under the influence of intoxicating liquor or drugs, except a medical patient under proper care or in case of emergency."

Whenever the Board has received complaints in the past which indicate an adverse effect of drinking upon air safety, the Board has carefully investigated them, and as a result of these investigations we do not believe there is any evidence to show, on the basis of present practice, that safety of flight is jeopardized.

With respect to the economic provisions of the Civil Aeronautics Act, air carriers are required under section 404 of that act to provide safe and adequate service, equipment, and facilities, in connection with the transportation performed. It is conceivable that if service of liquor were carried to such an extent that passengers became

boisterous, unruly, or offensive in their conduct to other passengers, there would be a violation of this section.

The Board has held in the past that the liquor laws of the several States can be applicable to the serving of liquor on aircraft and the matter is one subject to State law enforcement.

THE SECRETARY OF COMMERCE,
Washington, March 29, 1956.

Hon. J. PERCY PRIEST,

*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This is in response to your letter dated January 5, February 9, 21, and 23, 1956, requesting the comments of the Department of Commerce on H. R. 7922, H. R. 8000, H. R. 9004, H. R. 9331, and H. R. 9430. These bills would amend section 610 of the Civil Aeronautics Act of 1938, as amended by prohibiting an air carrier from selling or otherwise furnishing passengers alcoholic beverages for consumption while in flight within the limits of the United States.

During the month of November 1955 the Department, through the Civil Aeronautics Administration, conducted a comprehensive survey to determine if the practice of serving liquor in flight may in any way have an adverse affect on safety. The results of the survey did not reveal any factual information or incidents which were found to directly affect safety in the operation of air carrier aircraft. Under the circumstances it is our opinion that there is insufficient evidence from a safety standpoint to warrant the adoption of the proposed legislation; however, we are continuing to closely monitor this practice to determine whether such practice in the future may become inimical to safety.

The question as to whether alcoholic beverages should be consumed aboard air carrier aircraft from the point of view of safety is a problem with which the Civil Aeronautics Board is primarily concerned and the Department would, therefore, refer to the Board the question as to the necessity for a regulation or legislation to prohibit the sale of liquor on aircraft in flight. In this connection we wish to point out that under the present section 601 (6) of the Civil Aeronautics Act of 1938, as amended, the Board is authorized to prescribe "such reasonable rules and regulations, or minimum standards, governing other practices, methods, and procedure, as the Board may find necessary to provide adequately for safety in air commerce." Under this provision of the present law as just quoted, we construe the words "governing other practices" to include the authority to prohibit the sale of liquor. Thus the Board now has the authority to prohibit the consumption of alcoholic beverages aboard aircraft and could do so if it found such consumption to compromise the safety of the operation of aircraft.

We further believe that it is inappropriate to prohibit by statutory law the sale of alcoholic beverages on air carrier aircraft since this problem is a regulatory one and is a matter that should be determined by the Civil Aeronautics Board as a part of its function to regulate when necessary in the interest of safety.

For the above reasons we are opposed to the adoption of H. R. 7922, H. R. 8000, H. R. 9004, H. R. 9331, and H. R. 9430.

The Bureau of the Budget advises that they have no objection to the submission of this report to your committee.

Sincerely yours,

SINCLAIR WEEKS,
Secretary of Commerce.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., March 7, 1956.

Hon. J. PERCY PRIEST,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, New House Office Building,
Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in reply to your recent letters requesting the views of this office with respect to H. R. 7922, H. R. 8000, H. R. 9004, H. R. 9331, and H. R. 9430, similar bills to amend the Civil Aeronautics Act to prohibit the furnishing of alcoholic beverages to airline passengers in flight.

The Secretary of Commerce and the Chairman of the Civil Aeronautics Board, in the reports they are making to your committee on H. R. 7922 and H. R. 8000, indicate that legislation to prohibit the serving of alcoholic beverages to airline passengers in flight is not required in the interests of maintaining adequate air safety or service. In view of this, the Bureau of the Budget is unable to recommend enactment of this legislation.

Sincerely yours,

_____, *Assistant Director.*

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (new matter is printed in italics, existing law in which no change is proposed is shown in roman):

TITLE VI—CIVIL AERONAUTICS SAFETY REGULATIONS

PROHIBITIONS

Violations of Title

SEC. 610. (a) * * *

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Exemption of Foreign Aircraft and Airmen

(b) Foreign aircraft and airmen serving in connection therewith may, except with respect to the observance by such airmen of the air traffic rules, be exempted from the provisions of subsection (a) of this section, to the extent, and upon such terms and conditions, as may be prescribed by the Authority as being in the interest of the public.

Furnishing of Alcoholic Beverages

(c) *No air carrier shall sell or otherwise furnish to its passengers alcoholic beverages (including wine and beer) for consumption while in flight within the limits of the forty-eight States and the District of Columbia.*

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TITLE PAGE

CONTENTS

ORIGINAL ARTICLES

THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION
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